REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1-9, 13-18, 20, 21, and 23-29 have been canceled in favor of new claims 30-42. Support for the subject matter of the new claims is provided for example in the original claims.

Claims 1-9, 13-18, 20, 21, 28, and 29 were rejected, under 35 USC §103(a), as being unpatentable over Walton et al. (US 2003/0081538) in view of Arai et al. (US 6,456,607) and Sakoda et al. (US 2002/0118659). Claims 23-27 were rejected, under 35 USC §103(a), as being unpatentable over Walton in view of Arai, Sakoda, and Hwang (US 2002/0060997). To the extent these rejections may be deemed applicable to new claims 30-42, the Applicant respectfully traverses.

Claim 30 recites features of original claims 1, 2, and 20 and defines an OFDM-CDMA transmitting apparatus that spreads a specific symbol with a larger spreading ratio than that applied to other symbols, assigns a degree of multiplexing to the spread specific symbol that is smaller than that assigned to the other spread symbols, and distributes the chips of the spread specific symbol to different time-domain carriers. The claimed subject matter supports selecting the spreading ratio of data and the amount of multiplexing applied to the spread data so as to achieve compatibility between spectral efficiency and error rate characteristics (see specification page 5, lines 11-28). (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

The Final Rejection proposes that Walton discloses the claimed subject matter of distributing chips of a spread symbol to different time-domain carriers in paragraphs 9, 10, 39-41, and 44 (see Final Rejection, paragraph bridging pages 7 and 8). However, Walton only discloses applying code division multiplexed (i.e., code spreaded) data to orthogonal frequency division multiplexing (OFDM) in the cited material, Walton does not disclose applying code division multiplexing to time division multiplexing (TDM) so as to communicate a single symbol with multiple TDM carriers.

The Final Rejection similarly proposes that Arai discloses the claimed subject matter of distributing chips of a spread symbol to different time-domain carriers in column 9, lines 33-58, and column 11, lines 6-10 and 14-20 (see Final Rejection, paragraph bridging pages 7 and 8). However, Arai does not mention TDM in the cited material; instead, Arai discloses selecting a degree of multiplexing in accordance with an acceptable error rate for each type of data to be communicated.

Sakoda is not cited in the Final Rejection for supplementing the teachings of Walton and Arai with respect to the above-mention subject matter of claim 30.

Thus, Walton, Arai, and Sakoda do not suggest the claimed subject matter of distributing chips of a spread symbol to different time-domain carriers. Accordingly, Applicant submits that Walton, Arai, and Sakoda, considered individually or in combination, do not render obvious the subject matter defined by claim 30. Therefore, allowance of claim 30 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-04147
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559